



US Army Corps
of Engineers.

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

NUMBER: 25830S

DATE: March 23, 2001

RESPONSE REQUIRED BY: April 23, 2001

Regulatory Branch
333 Market Street

San Francisco, CA 94105-2197

PERMIT MANAGER: Philip A Shannin

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1. INTRODUCTION: TC Residential North Bay Area, Inc. (through their agent Radford (Skid) Hall Ph.D., 500 Airport Blvd., Suite 350, Burlingame, CA 94010, phone 650-548-1656) has applied for a Department of the Army permit to permanently fill 0.11 acres of Waters of the United States located in an unincorporated area adjacent to El Camino Real, near the Town of Colma in San Mateo County, California. This application is being processed pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. PROJECT DESCRIPTION: As shown in the attached drawings, the applicant plans to construct a 144-unit apartment project on a site bounded on the north by a new extension of B Street, on the east by El Camino Real, on the south by Albert M. Teglia Blvd. and on the west by the Colma Bay Area Rapid Transit (BART) Station. The project site consists of 119,932 square feet (2.75 acres) and was previously occupied by rundown motel structures, containing asbestos. The San Mateo Transit District (Samtrans) acquired the site. Samtrans torn down the motel buildings and cleared the site in 1998. A remnant of East Colma Creek enters the site from a concrete box culvert to the north, runs from north to south across the project site, and flows into another culvert and concrete lined ditch south of the project site. As shown on the attached drawings, much of the creek flow above the site is diverted into a box culvert under El Camino Real and re-enters Colma Creek south of the site. The intermittent flow on the project site appears to come from local drainage, such as the BART parking lot and other adjacent developed areas.

The project site is included in the Colma BART Station Area Plan adopted by the County of San Mateo in September 1994. That plan designated and zoned the site for development of high density transit oriented housing. Samtrans solicited proposals for development of the site in a manner consistent with the approved Area Plan. Income from the site will be used to subsidize Samtrans efforts to provide bus service to the residents of San Mateo County. The applicant's proposal was selected as the project best responding to the goals of the Area Plan and Samtrans goals.

The proposed project consists of the construction of 144 apartment units with parking (128,000 net rentable square feet and approximately 80,000 square feet of parking). Of the total, 114 will be market rate units and 30 will be below market rate (BMR) units. The BMR units are targeted for persons earning 50% of median income or less. The project will provide 241 parking stalls. The construction is 4-story over 2 levels of structured parking. The project will be separated from a recently completed similar apartment development to the north by a pedestrian walkway and stairway to the BART station, which will have ground floor retail shops and convenience stores. To allow construction of the project, the existing remnant of East Colma Creek would be relocated to the western edge of the site and placed in a concrete box culvert no greater than 60 inches wide (see sheet 5 "Culvert Location"). The creek channel to be filled is approximately 400 feet in length and 0.11 acre in coverage.

3. **STATE APPROVALS:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must obtain a State water quality certification or waiver before a Corps permit may be issued. The applicant has provided the Corps with evidence that he has submitted a valid request for State water quality certification to the San Francisco Bay Region Regional Water Quality Board. No Corps permit will be granted until the applicant obtains the required certification or waiver. A waiver shall be explicit, or it will be deemed to have occurred if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612, by the close of the comment period of this Public Notice.

4. **PRELIMINARY ENVIRONMENTAL ASSESSMENT:** The Corps of Engineers has assessed the environmental impacts of the action proposed in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), and pursuant to Council on Environmental Quality's Regulations, 40 CFR 1500-1508, and Corps of Engineers' Regulations, 33 CFR 230 and 325, Appendix B. Unless otherwise stated, the Preliminary Environmental Assessment describes only the impacts (direct, indirect, and cumulative) resulting from activities within the jurisdiction of the Corps of Engineers. The Environmental Matrix used in the preparation of this Preliminary Environmental Assessment is on file in the Regulatory Branch, Corps of Engineers, 333 Market Street, San Francisco, California.

The Preliminary Environmental Assessment resulted in the following findings:

a. **IMPACTS ON THE AQUATIC ECOSYSTEM**

(1) **PHYSICAL/CHEMICAL CHARACTERISTICS AND ANTICIPATED CHANGES**

Substrate - The proposed project will permanently alter the existing substrate consisting of 0.11 acres of tributary waters. The area will be excavated and filled to create the building foundations and underground parking structure. This will result in a major, adverse, long-term impact to the substrate.

Drainage Patterns - The existing remnant of East Colma Creek receives minor flows from upstream, the adjacent BART parking lot, and the project site itself. The creek would be relocated and placed in a box culvert, which would continue to handle the upstream flow and some on-site drainage. The project will also contain storm drain systems, which will drain into the existing local storm drain system. Short-term negative impacts to drainage patterns may occur during construction, but are expected to be neutral after the new drainage systems are in place.

Erosion and Sedimentation - This project is not expected to lead to any long-term impacts on erosion, since no steep banks exist on the site. Short-term erosion may occur if adequate erosion control measures are not taken during construction. Specific measures to reduce these impacts will be outlined in the Storm Water Pollution Prevention Plan (SWPPP). The potential for erosion will exist until the project is complete.

Water Quality - Water quality may be impacted from the filling and construction activities. Effects may include incidental leakage of oil, gas, and hydraulic fluids from heavy equipment, and sedimentation. These measures would be minimized by proper implementation of the SWPPP. Therefore, adverse impacts would be short-term in nature, and minor in magnitude.

(2) **BIOLOGICAL CHARACTERISTICS AND ANTICIPATED CHANGES**

Wetlands (Special Aquatic Site) - The proposed project will result in the unavoidable filling of

approximately 405 linear feet (4,731 square feet or 0.11 acre) of East Colma Creek. The portion of creek to be impacted is a highly disturbed urban stream. Both upstream and downstream of the project site, the creek is culverted or concrete lined. Flows in the creek are ephemeral and minimal, primarily consisting of storm flows. The habitat value of the creek is minimal, due to the surrounding urban development and major historical alterations on site, upstream, and downstream. The loss of the remnant creek is a major long-term impact.

The applicant states that due to the highly urbanized area around the project site, no on-site or near-site mitigation opportunities could be located. The applicant has presented a plan to mitigate the unavoidable impacts through the San Pedro Creek Watershed Coalition (SPCWC), in the city of Pacifica. The SPCWC has identified approximately 2000 linear feet of San Pedro Creek in need of restoration and enhancement. San Pedro Creek is a coastal stream located about seven miles south of the project site. The project will involve the recovery and re-establishment of riparian habitat through the removal of exotic plants, replanting native plant species, and bioengineered solutions for some of the erosion problems in the subject reach. One goal of the SPCWC effort is the enhancement and re-establishment of habitat for the endangered Steelhead Trout in San Pedro Creek. The project is also supportive of the major Corps of Engineers/City of Pacifica flood control and wetlands creation project currently under construction downstream. The applicant is proposing to contribute \$40,000 to the SPCWC for the implementation and five years monitoring to accomplish the riparian restoration and enhancement project. The applicant states the contribution equals about \$8.45/square foot which is equivalent to approximately \$370,000/acre which is consistent with recent mitigation costs in the area. The applicant feels that over the 2000-foot reach of the project at least 0.11 acres of lost or degraded riparian habitat will be recovered and restored.

Endangered Species - Due to a lack of suitable habitat conditions, federally-listed species are

presumed not to inhabit or otherwise occur on the development parcel. The applicant states that surveys for invertebrate or amphibian animal species have not been conducted on the project site. If the Corps determines that a listed or proposed listed species would be affected by project construction, the Corps will initiate consultation with the U.S. Fish and Wildlife Service, pursuant to Section 7 of the Endangered Species Act of 1973, as amended.

Habitat for Fish, Other Aquatic Organisms, and Wildlife - Project construction would result in the loss of habitat for species commonly associated with freshwater ephemeral streams including various insects, amphibians, snakes, rodents and other small mammals and migratory waterbirds. Taking into account the disturbed nature of the development parcel and the relative isolation of the habitat from other habitat corridors, the project will create a minor, long-term negative impact on wildlife. This impact would be mitigated by the restoration and enhancement work proposed for San Pedro Creek.

b. IMPACTS ON RESOURCES OUTSIDE THE AQUATIC ECOSYSTEM

(1) PHYSICAL CHARACTERISTICS AND ANTICIPATED CHANGES

Air Quality - Project activity would have minor, short-term impacts on air quality in the vicinity of the project site. Based on the relatively minor size of the proposed project, limited to an evaluation of air quality impacts only within Corps jurisdictional areas, the Corps has determined that the total direct and non-direct project emissions would not exceed the de minimis threshold levels of 40 CFR 93.153. Therefore, the proposed project would conform to the State Air Quality Implementation Plan (SIP) for California.

Noise Conditions - Construction of the project would involve the use of normal construction equipment and would increase activity in the project area. Adverse effects from construction noise would be short-term in nature and minor in

magnitude. Overall the project would result in an increase in activity in the area due to human habitation and small retail operations. This would represent an insignificant increase in ambient noise levels.

Geologic Conditions - Construction of the proposed project would require removal of cover sediments. This could produce long-term negative impacts unless appropriate measures are taken. To prevent this, the applicant will implement an erosion control plan during construction, using engineered fill, and soil compaction. Therefore, this project is expected to have only a minor, short-term impact on geology.

(2) SOCIOECONOMIC CHARACTERISTICS AND ANTICIPATED CHANGES

Aesthetic Quality - The project will replace an existing vacant site, which contains some vegetation with a multi-story residential project. The site is located in front of a large unattractive concrete retaining wall for the BART parking lot. The apartment buildings are architecturally consistent with a similar residential project, immediately to the north. The project includes landscaping, street improvements, wide pedestrian walkways, and common areas, creating a pleasant community environment. Therefore, this project is expected to have a significant long-term beneficial impact on aesthetics.

Economics and Employment - The project is expected to have a major, long-term beneficial impact to the local and regional economy. The project implements the "Smart Growth" concept of in-fill development. The retail areas will create revenue and employment opportunities for project residents, San Mateo County and the Town of Colma. The residential development will help reduce the acute housing shortage in San Mateo County and the Bay Area, by providing a variety of new rental housing units, including a significant percentage at below market rate. The project is structured to provide significant annual rent, which will be used to subsidize Samtrans' bus service to the residents of San Mateo County.

Traffic and Safety - The project will provide transit-related rental housing opportunities, within an established community. This will reduce commuter traffic, by providing residents with safe and easy pedestrian access to the BART system.

(4) HISTORIC - CULTURAL CHARACTERISTICS AND ANTICIPATED CHANGES

A Corps of Engineers archaeologist is currently conducting a cultural resources assessment of the permit area, involving review of published and unpublished data on file with city, State, and Federal agencies. If, based upon assessment results, a field investigation of the permit area is warranted, and cultural properties listed or eligible for listing on the National Register of Historic Places are identified during the inspection, the Corps will coordinate with the State Historic Preservation Officer to take into account any project effects on such properties.

c. SUMMARY OF INDIRECT IMPACTS

None have been identified.

d. SUMMARY OF CUMULATIVE IMPACTS

This project is located in an unincorporated area of San Mateo County, designated for development in the Colma BART Station Area Plan, adopted by the San Mateo County Board of Supervisors in September 1994. The area has been determined suitable for residential development and no significant cumulative impacts have been identified.

e. CONCLUSIONS AND RECOMMENDATIONS

Based on an analysis of the above identified impacts, a preliminary determination has been made that it will not be necessary to prepare an Environmental Impact Statement (EIS) for the subject permit application. The Environmental Assessment for the proposed action has however, not yet been finalized and this preliminary determination may be reconsidered if additional information is developed.

5. EVALUATION OF ALTERNATIVES:

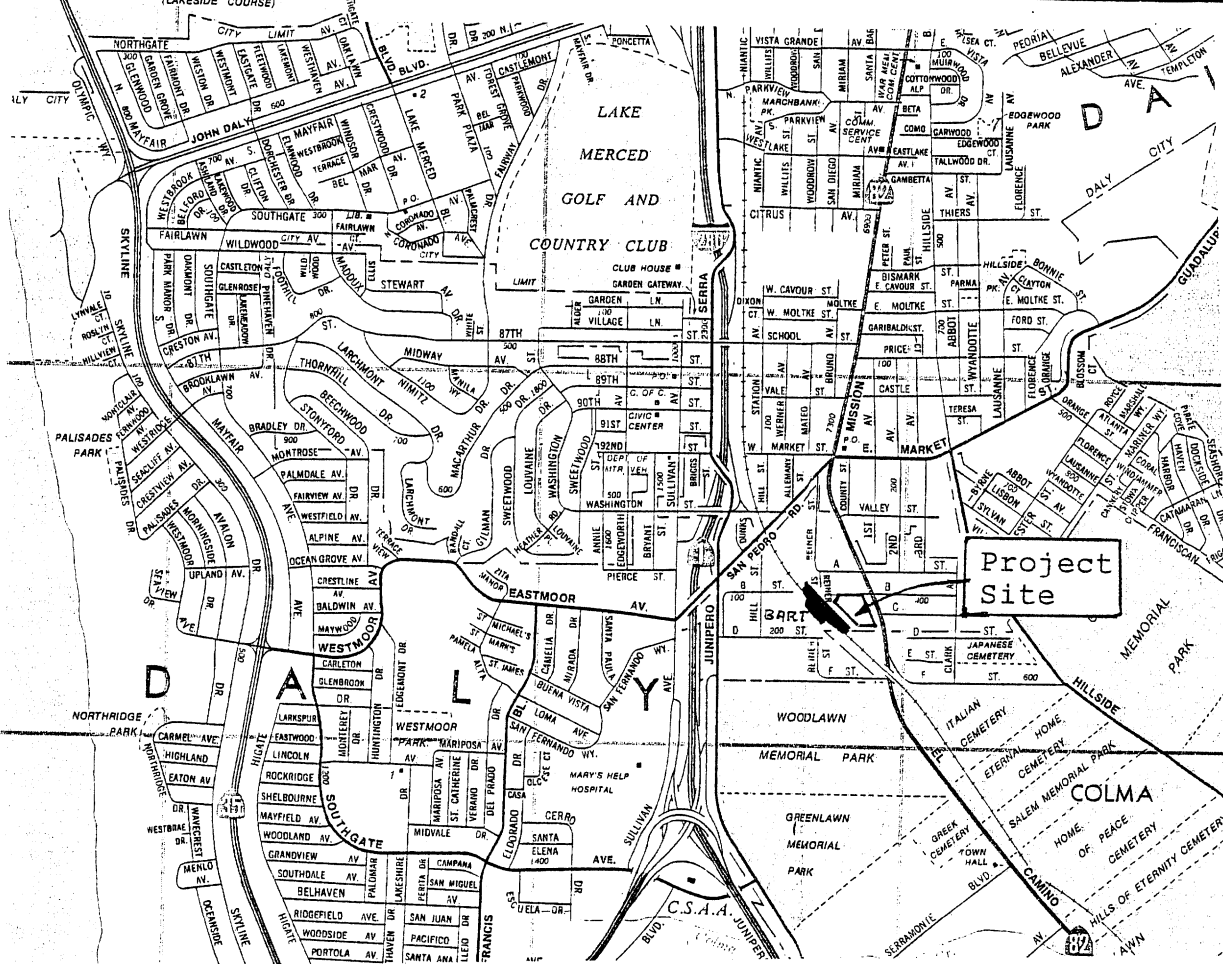
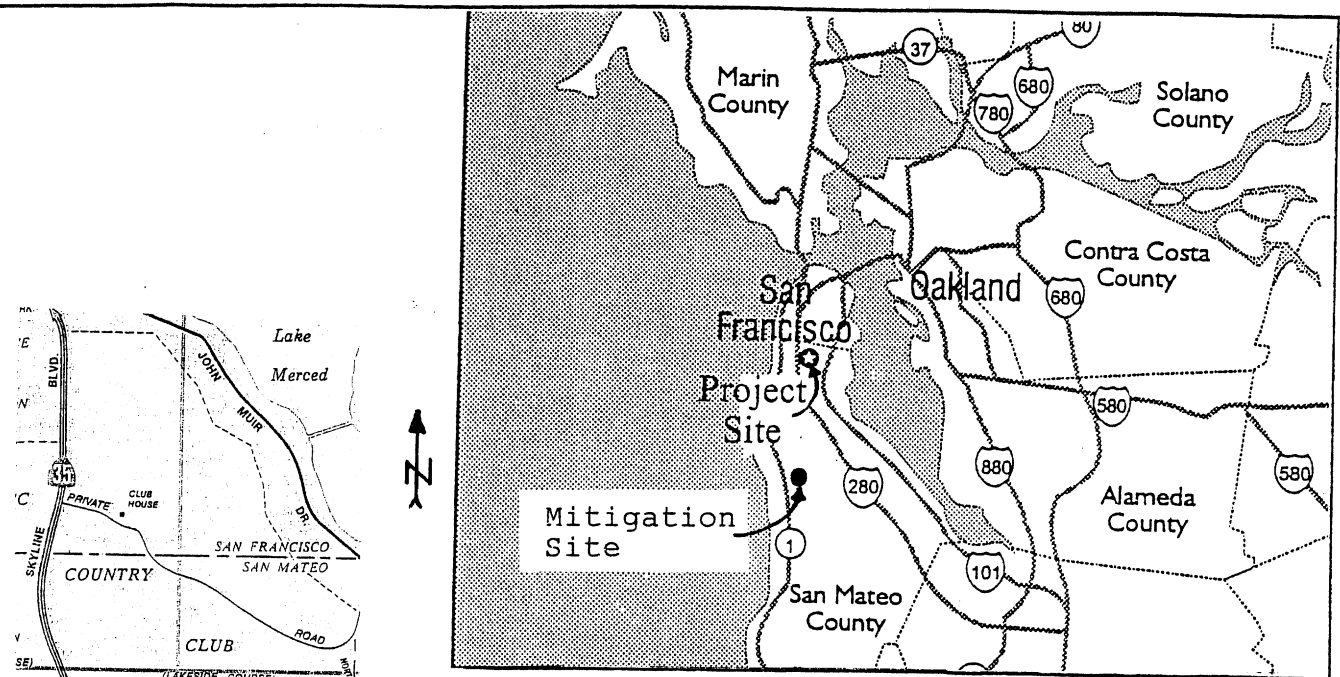
Evaluation of this activity's impacts includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. 1344(b)). An evaluation under the Section 404(b)(1) Guidelines indicates that the project is not water/wetland dependent. The applicant has submitted an Analysis of Alternatives for the project and it will be reviewed for compliance with the Guidelines. The applicant states that there are no practicable alternative for his project. The Analysis of Alternatives is available for review in our office.

6. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all those factors which become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the national concern for both protection and utilization of important resources. All factors relevant to the proposal must be considered, including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

7. CONSIDERATION OF COMMENTS: The Corps of Engineers is soliciting comments from the

public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

8. SUBMISSION OF COMMENTS: Interested parties may submit in writing any comments concerning this activity. Comments should include the applicant's name, the number, and the date of this Notice and should be forwarded so as to reach this office within the comment period specified on page one of this Notice. Comments should be sent to the Regulatory Branch. It is Corps policy to forward any such comments which include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose address is indicated in the first paragraph of this Notice, or by contacting Philip Shannin of our office at telephone 415-977-8445 or by e-mail at pshannin@spd.usace.army.mil. Details on any changes of a minor nature, which are made in the final permit action, will be provided on request.

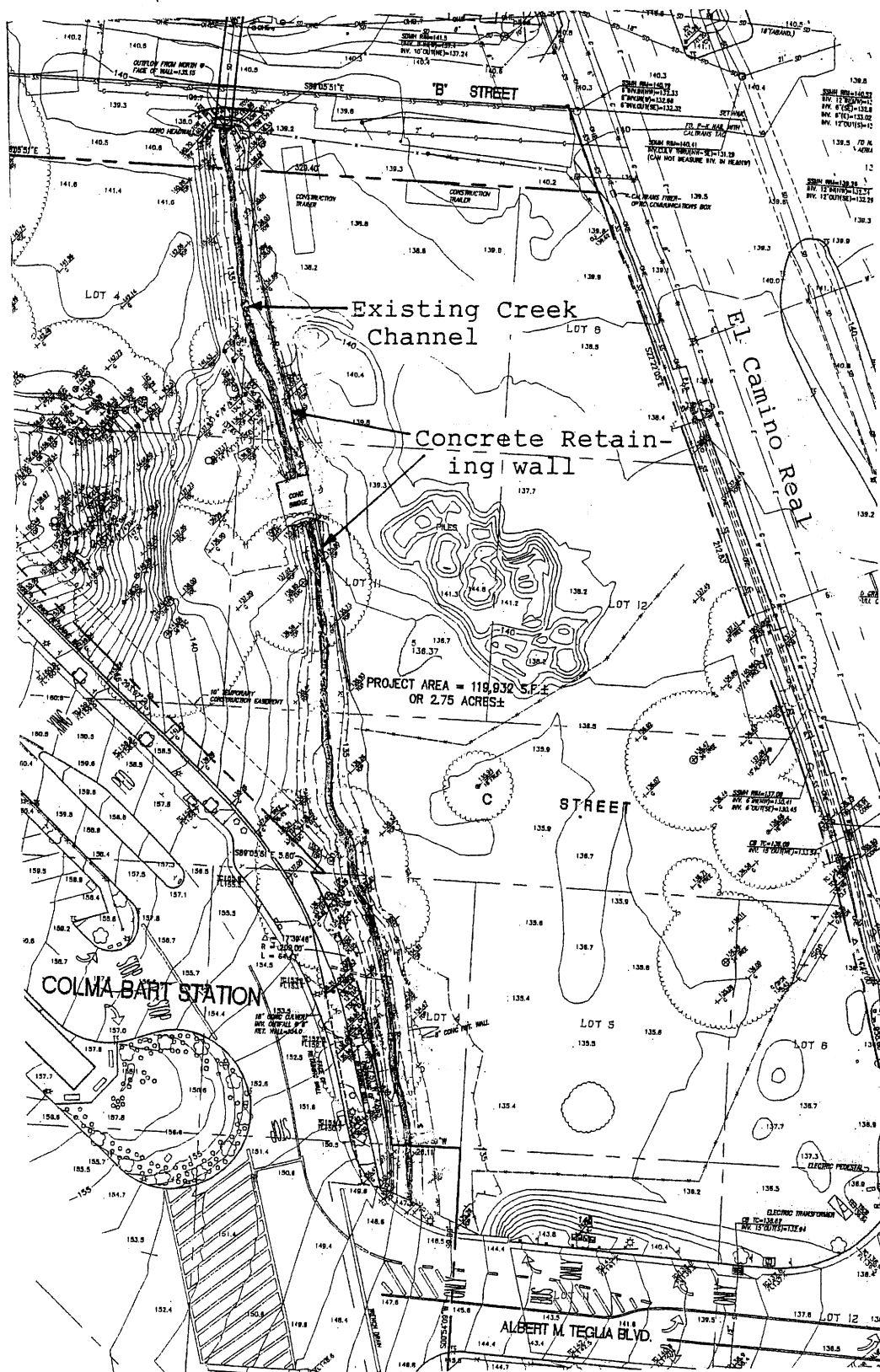


PURPOSE: Residential
Development

DATUM: NGVD

LOCATION MAP
Colma BART Station Apts.
Trammell Crow
1810 Gateway Drive
San Mateo, CA 94044

IN: East Colma Creek
AT: San Mateo County
STATE: CA
APP: Trammell Crow
SHEET 1 of 6 DATE 12/7/00



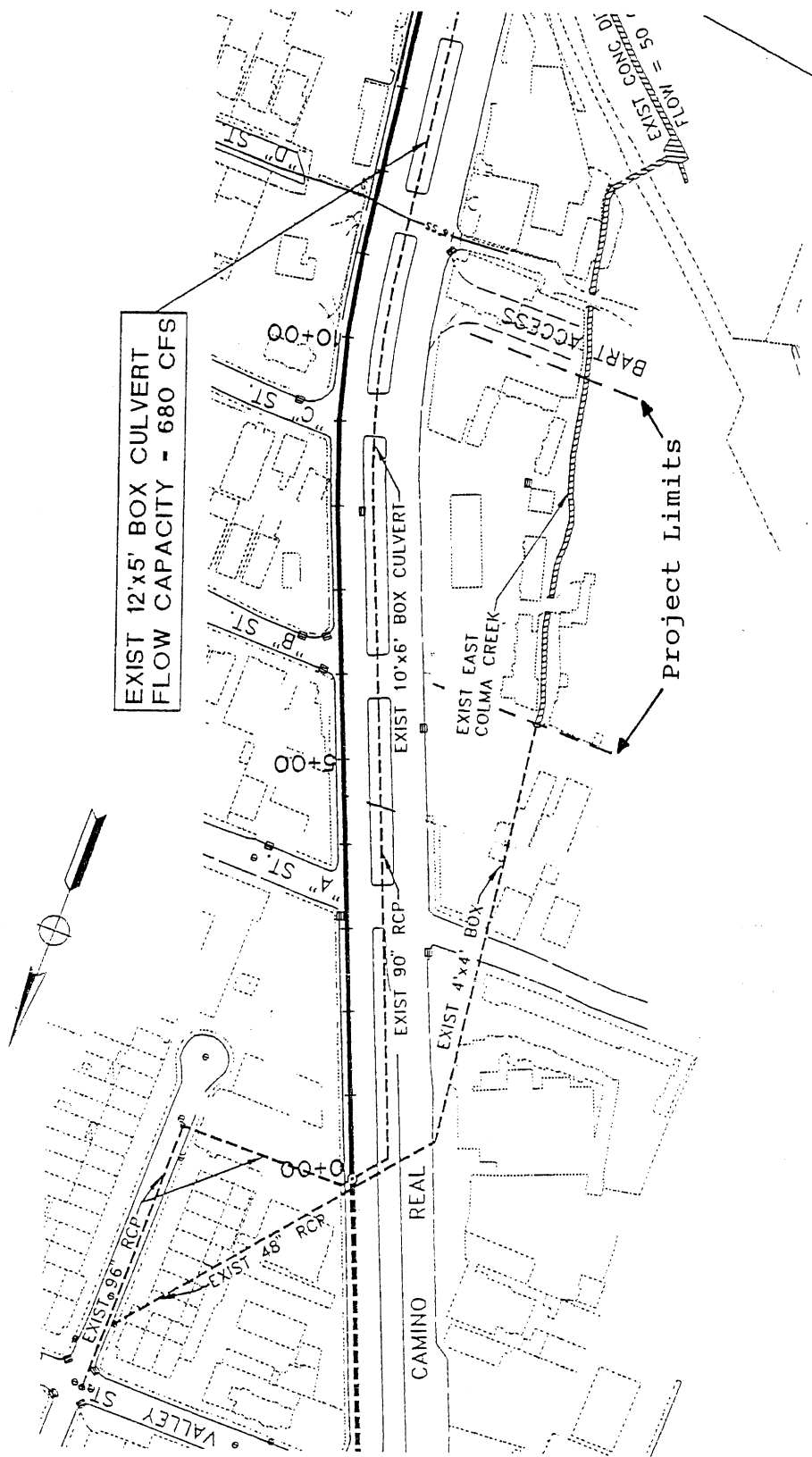
No Scale

PURPOSE: Residential
Development

DATUM: NGVD

SITE TOPOGRAPHY MAP
Colma BART Station Apts.
Trammell Crow
1810 Gateway Drive
San Mateo, CA 94044

IN: East Colma Creek
AT: San Mateo County
STATE: CA
APP: Trammell Crow
SHEET 2 of 6 DATE 12/7/00



Scale 1" = 100'

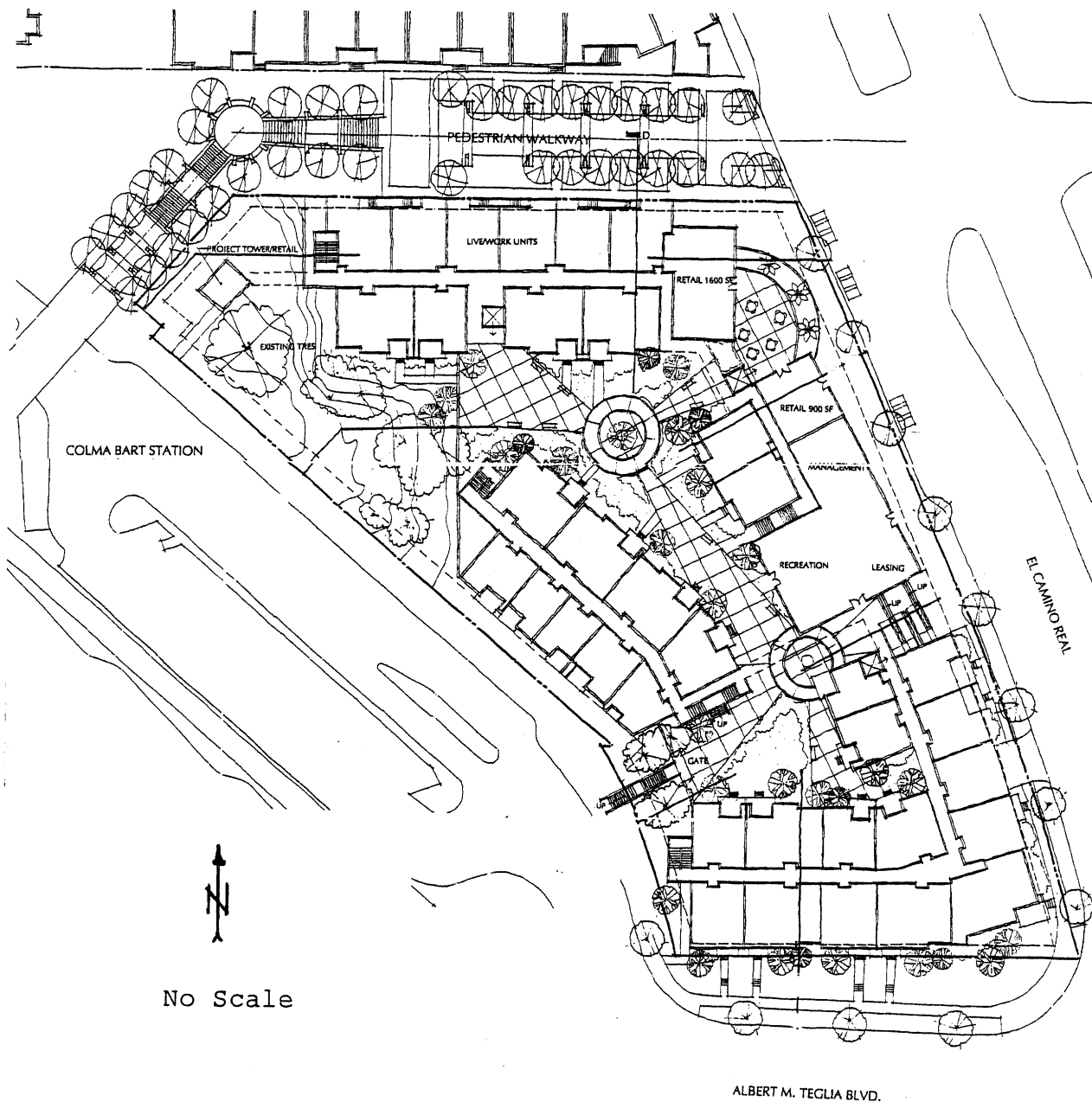
PURPOSE: Residential Development

DATUM: NGVD

DRAINAGE FACILITIES
 Colma BART Station Apartments
 Trammell Crow Residential
 1810 Gateway Drive
 San Mateo, CA 94044

IN: East Colma Creek
 AT: San Mateo County
 STATE: CA
 APP: Trammell Crow

SHEET: 3 of 6 DATE: 12/7/00



PURPOSE: Residential
Development

DATUM: NGVD

PROJECT SITE PLAN
Colma BART Station Apts.
Trammell Crow
1810 Gateway Drive
San Mateo, CA 94044

IN: East Colma Creek
AT: San Mateo County
STATE: CA
APP: Trammell Crow
SHEET 4 of 6 DATE 12/7/00

Proposed Drain
Line

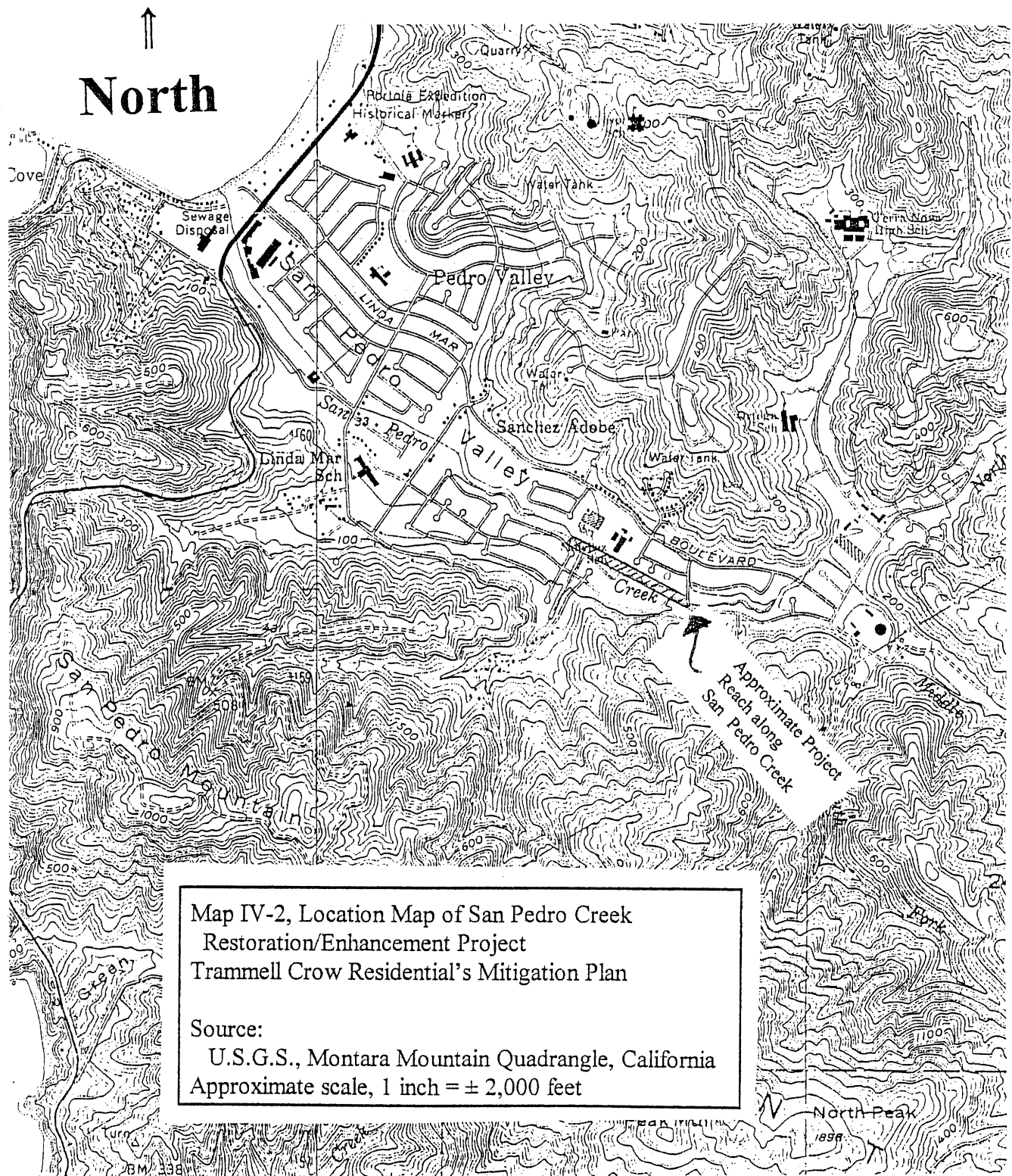
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No Scale
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PURPOSE: Residential
Development

DATUM: NGVD

CULVERT LOCATION
Colma BART Station Apts.
Trammell Crow
1810 Gateway Drive
San Mateo, CA 94044

IN: East Colma Creek
AT: San Mateo County
STATE: CA
APP: Trammell Crow
SHEET 5 of 6 DATE 12/7/00



Map IV-2, Location Map of San Pedro Creek
Restoration/Enhancement Project
Trammell Crow Residential's Mitigation Plan

Source:

U.S.G.S., Montara Mountain Quadrangle, California
Approximate scale, 1 inch = \pm 2,000 feet

PURPOSE: Residential
Development

DATUM: NGVD

MITIGATION SITE
Colma BART Station Apts.
Trammell Crow
1810 Gateway Drive
San Mateo, CA 94044

IN: East Colma Creek
AT: San Mateo County
STATE: CA
APP: Trammell Crow

SHEET 6 of 6 DATE 12/7/00